 Missouri Department of Natural Resources Administrative Policies and Procedures		
Chapter 1 Employee Relations Affirmative Action and Employee Relations Policy		
Grievance Procedures	Effective date	Revised
Number: 1.02-05	March 29, 2002	December 6, 2006

This grievance procedure provides employees of the Department of Natural Resources a means to present work related grievances to management without fear of retaliation. This procedure is to assure that all employees work in an environment free from conditions felt to be unjust, inequitable, or a hindrance to effective work.

REFERENCES

Grievance Procedures: 1 CSR 20-4.020

Related DNR policy

Employee Relations: 1.02

Alternative dispute resolution procedures: 1.02-02

DEFINITIONS

Grievant: An employee of the Missouri Department of Natural Resources who files a grievance. All employees of the department are eligible to file grievances.

Mediation: A process involving an intercession from an outside party to resolve a complaint between two or more parties, resulting in an agreement.


GENERAL PROVISIONS

A grievance is an allegation by an employee of the department that certain work related events or circumstances at work are affecting conditions of employment or are having a negative impact on the employee's ability to perform his or her job.

Grievable issues are those events or circumstances at work that have a negative impact on the employee's ability to perform their job or are affecting a condition of employment.

Non-grievable issues are personnel transactions or administrative decisions for which merit law provides a specific appeal process, such as the Personnel Advisory Board or review by the department director or designee, Human Resources program director, Office of Administration; or disciplinary actions for which the department has an internal appeal process.

All staff in the department should strive to resolve differences in a timely and informal manner. The Office of Employee Relations is available for guidance.

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Grievances shall be submitted in writing using the Grievance Review Request form. The form is located in the department's Lotus Notes Reference Library or can be obtained from the Office of Employee Relations. The grievance shall contain the alleged cause(s) for the grievance as well as the desired remedy(ies). Individuals considering filing a grievance are encouraged to read the entire procedure for assistance in understanding and using the process. Employees shall cooperate with internal investigations or investigations with the appropriate authority.

Step One

There are two options available to attempt to resolve a grievance in this first resolution step: alternative dispute resolution involving a neutral mediator or discussion with the immediate supervisor (without a neutral mediator).

Grievant responsibility

The grievant should submit the Grievance Review Request to their immediate supervisor within ten (10) working days of the incident. The grievant forwards a copy of the request to the Office of Employee Relations. The grievant indicates whether he/she prefers alternative dispute resolution with a neutral mediator or discussion with the supervisor as Step One in the grievance process.


If desired, the grievant may submit the name of a co-worker who will be assisting him/her in the process of the grievance at this and further levels.

The grievant may contact the Office of Employee Relations for advice and assistance in filing the grievance.

If alternative dispute resolution or discussion with the supervisor is unsuccessful, the grievant may proceed with the grievance at Step Two.

Supervisor responsibility

Within ten (10) working days of receipt of the grievance, the immediate supervisor shall schedule a meeting with the grievant to discuss the grievance and review the facts and documentation or contact the Office of Employee Relations to discuss alternative dispute resolution. If resolution is selected the Office of Employee Relations will contact the supervisor and employee within ten (10) working days to discuss the matter and schedule an appointment. A coworker may accompany the grievant to the either the meeting with the supervisor or the appointment for dispute resolution.

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If a meeting is held, the supervisor shall respond to the grievant within ten (10) working days of the meeting, with a copy sent to the Office of Employee Relations.

The supervisor may contact the department Office of Employee Relations for advice in proceeding with or resolving the grievance.

Step Two

Grievant responsibility

If resolution does not occur at Step One, the grievant may initiate Step Two of the grievance process. The grievant submits the Grievance Review Request to an appropriate manager within ten (10) working days of the receipt of the Step One decision. Examples of appropriate managers are the program director, regional director, park superintendent or district supervisor. Typically appropriate managers are the next level of management above the grievant's direct supervisor.

The grievant should set out the reasons why the response at Step One did not resolve the grievance. The grievant cannot submit new information that changes the content of the grievance, add new grievance issues or change the requested remedy. The grievant will include a copy of all documentation and evidence gathered and presented at Step One.


The grievant will send a copy of the Step Two Grievance Review Request to the Office of Employee Relations and his/her immediate supervisor.

Program/Regional Office director, Park Superintendent, or District Supervisor responsibility

Upon receipt of the Step Two grievance, the program director, regional director, park superintendent or district supervisor will review the facts. The director/supervisor may request an investigation or review of the grievance by the Office of Employee Relations. The grievance time frames may be suspended while this investigation takes place.

The program director, regional director, park superintendent or district supervisor may meet with the grievant to further discuss the grievance.

A response will be sent to the grievant within ten (10) working days of the receipt of the grievance, unless a conference or investigation is held. If a meeting takes place a response will be sent within fifteen (15) working days of the meeting. Copies of the response are forwarded to the supervisor at the preceding levels and the Office of

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Employee Relations. If an investigation is necessary, the response from the program director, regional director, park superintendent or district supervisor will be sent to the grievant within fifteen (15) working days of receipt of the finding from the investigation.

Step Three

Grievant responsibility

If resolution does not occur with Steps One and Two, the grievant may submit the grievance within ten (10) working days of the decision at Step Two to the division director. This is Step Three of the grievance process.

The grievant shall set out specifically why the grievance response at Step Two is unsatisfactory and shall include a copy of all documents and evidence gathered and presented at Step Two. The grievant will send a copy of the Step Three Grievance Review Request to the Office of Employee Relations, the manager who reviewed the Step Two level, and immediate supervisor.

Division director responsibility

Upon receipt of the grievance the division director or designee will review the information provided. The division director or designee may meet with the grievant or managers or require the Office of Employee Relations to conduct a formal investigation into the allegations.


The division director will respond to the grievant in a reasonable time frame, with a copy of the response to the Office of Employee Relations and to each supervisor or manager involved in addressing the grievance at earlier steps.

Step Four

Grievant responsibility

If resolution does not occur with Steps One, Two and Three the grievant may submit the grievance within ten (10) working days of the decision at Step Three to the department director. This is Step Four of the grievance process.

The grievant shall set out specifically why the grievance response at Step Three is unsatisfactory and shall include a copy of all documents and evidence gathered and presented at Step Three. The grievant will send a copy of the Step Four Grievance Review Request to the Office of Employee Relations and to each supervisor, manager and director involved in addressing the grievance at earlier steps.

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Division director responsibility

Upon receipt of the grievance request the department director or designee will review the information provided. The department director or designee may meet with the grievant or managers or require the Office of Employee Relations to conduct a formal investigation into the allegations.

The department director will respond to the grievant in a reasonable time frame, with a copy of the response to the Office of Employee Relations and to each supervisor or manager involved in addressing the grievance at earlier steps.

Other provisions


Any of the time limits specified in the procedure may be extended by mutual agreement of the parties involved. If parties cannot agree to an extension of timelines, the department's Office of Employee Relations will decide if the extension request is appropriate. Time frames shall not become an obstacle in resolving the grievance.

If the grievant is on extended leave during the processing of the grievance, the grievance process suspends while the grievant is away. It is the grievant's responsibility for notifying the supervisor processing the grievance of his/her absence in writing, with a copy to the department's Office of Employee Relations. If a supervisor is away for an extended time during the processing of a grievance, a designee may act on his/her behalf.

If the grievant fails to proceed to the next level within the appropriate time frame the grievance will be considered closed. If management fails to respond within the appropriate time frame, the grievant is not penalized. The grievant may either wait for the response or proceed to the next level.

At any step, one or both parties may make a formal request to the department's Office of Employee Relations for a neutral mediator. If mediation is requested and agreed to by both parties, the grievance process and resulting time frames shall be suspended. If the mediation is unsuccessful, the grievance process may resume at the point where it ceased prior to mediation. A record of the events which transpired during the mediation and any agreement made between the parties shall be maintained in the grievance file or in a separate mediation file kept by the Office of Employee Relations.

A reasonable time shall be allowed for the preparation of a grievance during work time. Grievants should ensure that grievance preparation does not interfere with normal work assignments and operations. Supervisors may request that grievants perform work

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assignments before preparing grievances and may require grievants to suspend working on a grievance to complete work assignments.

A grievance will terminate if the grievant is no longer an employee of the department.

The grievance process may be condensed to fewer than four steps. Grievants who believe their grievance should be accelerated through the process should discuss this request with the Office of Employee Relations. The Office will review the request, discuss the options with both the grievant and supervisor or manager, and determine in cooperation with the division director if accelerating the grievance is appropriate. Collapsing of the process will be done to expedite the solution and is not to be viewed or managed as intent to circumvent the process. The Office of Employee Relations will make the final decision relative to the appropriate number of steps.

Any employee who is not the grievant but is involved in the grievance process may contact the Office of Employee Relations for assistance. This would involve individuals who are witnesses to events or who may be accused of certain actions by the grievant.

Grievances shall not become a part of any other permanent record, and will not be maintained in any personnel file, performance file, or any other record outside of the Office of Employee Relations. Supervisors who maintain copies of grievances should do so in a separate file.

The Office of Employee Relations is available to advise and assist employees and management on use of the grievance procedure as well as provide assistance in interpreting DNR policies and procedures.

Confidentiality

Confidentiality is expected of all parties who are actual participants in the grievance proceedings. This expectation applies to the content of documents and all discussions.

Retaliation or coercion

Retaliation or coercion as a result of use of the grievance process will not be tolerated. Any employee who believes s/he is experiencing coercion or retaliation due to considering, initiating, participating or declining to participate in a grievance proceeding should immediately contact the Employee Relations Office for appropriate action.

Intentional falsification of grievances shall be grounds for disciplinary action.